

ASSEMBLY BILL

No. 2038

Introduced by Assembly Member Eggman

February 20, 2014

An act to amend Section 4094.5 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2038, as introduced, Eggman. Community treatment facilities.

Existing law requires the State Department of State Hospitals to establish, by regulation, specified program standards for any facility licensed as a community treatment facility and authorizes the State Department of Health Care Services to adopt or amend regulations pertaining to these program standards. Existing law requires only seriously emotionally disturbed children for whom other less restrictive mental health interventions have been tried, or who are currently placed in an acute psychiatric hospital or state hospital or in a facility outside the state for mental health treatment, and who may require periods of containment to participate in, and benefit from, mental health treatment to be placed in a community treatment facility.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4094.5 of the Welfare and Institutions
- 2 Code is amended to read:

1 4094.5. Regulations for community treatment facilities adopted
2 pursuant to Section 4094 shall include, but not be limited to, the
3 following:

4 (a) Only seriously emotionally disturbed children, as defined
5 in Section 5699.2, for whom other less restrictive mental health
6 interventions have been tried, as documented in the case plan, or
7 who are currently placed in an acute psychiatric hospital or state
8 hospital or in a facility outside the state for mental health treatment,
9 and who may require periods of containment to participate in, and
10 benefit from, mental health treatment, shall be placed in a
11 community treatment facility. For purposes of this subdivision,
12 lesser restrictive interventions shall include, but are not limited to,
13 outpatient therapy, family counseling, case management, family
14 preservation efforts, special education classes, or nonpublic
15 schooling.

16 (b) A facility shall have the capacity to provide secure
17 containment. For purposes of this section, a facility or an area of
18 a facility shall be defined as secure if residents are not permitted
19 to leave the premises of their own volition. All or part of a facility,
20 including its perimeter, but not a room alone, may be locked or
21 secure. If a facility uses perimeter fencing, all beds within the
22 perimeter shall be considered secure beds. All beds outside of a
23 locked or secure wing or facility shall be considered nonsecure
24 beds.

25 (c) A locked or secure program in a facility shall not be used
26 for disciplinary purposes, but shall be used for the protection of
27 the minor. It may be used as a treatment modality for a child
28 needing that level of care. The use of the secure facility program
29 shall be for as short a period as possible, consistent with the child's
30 case plan and safety. The department shall develop regulations
31 governing the oversight, review, and duration of the use of secure
32 beds.

33 (d) Fire clearance approval shall be obtained pursuant to Section
34 1531.2 of the Health and Safety Code.

35 (e) (1) Prior to admission, ~~any~~ a child admitted to a community
36 treatment facility shall have been certified as seriously emotionally
37 disturbed, as defined in Section 5699.2, by a licensed mental health
38 professional. The child shall, prior to admission, have been
39 determined to be in need of the level of care provided by a

1 community treatment facility, by a county interagency placement
2 committee, as prescribed by Section 4096.
3 (2) Any county cost associated with the certification and the
4 determination provided for in paragraph (1) may be billed as a
5 utilization review expense.

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